

**ATTORNEY'S DOCKET NO.: 2004647-0002 (was CEL-002)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Gardner et al.	Examiner:	Leffers, G.
Serial No.:	09/872,868	Art Unit:	1636
Filed:	June 1, 2001		
For:	BISTABLE GENETIC TOGGLE SWITCH		

**MAILSTOP: ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450**

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS
UNDER 37 CFR §1.27(a)(2)
SMALL BUSINESS CONCERN**

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of Cellicon Technologies, Inc.

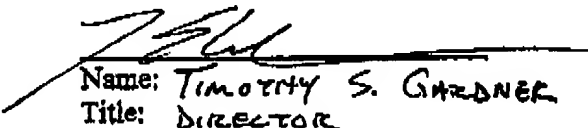
**This assertion is made on the ground that Cellicon Technologies, Inc.
is a concern**

**(a) whose number of employees, including affiliates, does not exceed 500 persons;
and**

(b) that has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27,

as set forth in 13 CFR §121.802.

Respectfully Submitted,


**Name: TIMOTHY S. GARDNER
Title: DIRECTOR
Date: 10/26/04**

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